

In the Matter of License Number 241187 and Merchant Mariner's  
Document No. Z-1310112-D2

Issued to: JAMES CARL SCHEPIS

DECISION OF THE COMMANDANT  
UNITED STATES COAST GUARD

1337

JAMES CARL SCHEPIS

This appeal is taken in accordance with Title 46 United States  
Code Section 239 (g) and Title 46 Code of Federal Regulations  
Section 137. 11-1.

By order dated 11 October 1960, an Examiner of the United  
States Coast Guard at New York City, New York, suspended for a  
period of six months License Number 241187, Merchant Mariner's  
Document Number Z-310112-D2 and all other valid licenses and/or  
documents issued to James Carl Schepis upon finding him guilty of  
Negligence under a specification reading, in part:

"\*\*\*negligently navigate the said vessel off the coast of  
Nova Scotia at an immoderate speed under conditions of  
fog and restricted visibility, thereby contributing to  
the collison between the SS HURRICANE and the trawler  
LAURA ELLEN."

Operation of such suspension however was conditioned upon  
Appellant's conviction on any other charge under 46 U.S. Code 239  
within a period of twelve (12) months.

At the hearing in this matter, Appellant, who was represented  
by Counsel of his own choice, entered a plea of not guilty.  
Thereupon, the Examiner heard testimony, summation, argument and

citation of authority. No proposed findings, conclusions or memoranda were submitted. Subsequently, the Examiner published his decision concluding that the charge was proved.

Based upon my examination of the record, I hereby reject none of the Findings of the Examiner, adopt those mentioned herein and find as additional facts, all observations under the heading:

#### *FINDINGS OF FACT*

On 25 April 1960 during a fog condition, Appellant was serving on board the American SS HURRICANE, as Mater under authority of his license, in the vicinity between Nova Scotia and Sable Island, when such ship came into collision with and sank the Canadian trawler LAURA ELLEN. All persons aboard the trawler were subsequently picked out of the water by the HURRICANE.

At the time of the event, the HURRICANE (steam screw, C-2 cargo, 438.9 x 63.1 x 27.7) was enroute from Texas to Montreal, steering a course between Novia Scotia and Sable Island.

At 0217 visibility dropped to about three miles because of fog whereupon the Third Mate, under standing instructions for such occasions, placed the engine, then making good about 17-18 knots, on STAND-BY. Fog signals, which were continued throughout the event, were also started at that time. The Third Mate then notified the Appellant in his quarters by telephone of such reduced visibility and of placing the engine on STAND-BY. The Appellant, in reply, requested to be kept informed of any further decrease in visibility requiring a reduction in speed.

Twenty-three minutes later, the same watch officer again spoke to the Appellant by telephone advising him that fog had set in. Again in reply, the Appellant instructed the watch officer to reduce the engine to 60 R.P.M's. Thereafter and under such conditions the Appellant was on the bridge.

Later and shortly before 0400, the Second Mate came to the bridge to relieve the Third Mate in regular course. Visibility at that time was 400 feet.

At about 0420, under such conditions, the Appellant went below

for another coat leaving no instructions as to speed. The record does not indicate whether the watch officer was aware of the Appellant's departure.

At 0434, the forward lookout advised the watch officer of a boat off the starboard bow. The engine telegraph was placed on S